

**In the United States Patent and Trademark Office**

Application No.: Not Yet Assigned  
Filed: Filed Herewith  
Title: Implantable Arteriovenous Shunt Device  
Applicant(s): John L. Faul et al.  
Examiner: Not Yet Assigned  
Art Unit: Not Yet Assigned

Mailed 04-06-04  
Palo Alto, CA

**Information Disclosure Statement**

Commissioner of Patents and Trademarks  
Alexandria, VA 22313

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record.

**Part I (Authority)**

This statement is filed pursuant to:

(X) 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

( ) 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$240), or a certification according to 37 C.F.R. § 1.97(e).

( ) 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

**Conditional Petition**

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

## Part II (Payment)

A check is enclosed as indicated:

- ☒ (X) No fee is due.
- ☐ ( ) The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).
- ☐ ( ) The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

## Part III (Certification)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ (X) No certification is necessary.
- ☐ ( )
  - (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
  - ☐ ( ) The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
  - ☐ ( ) The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ☐ ( ) (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

## Part IV (Additional Statement)

An additional statement regarding these items of information ( ) is, (X) is not, enclosed.  
Copies of the cited documents (X) are enclosed, ( ) are of record in parent application Serial No. \_\_\_\_\_ and will be provided if the Examiner deems it convenient.

Dated: 04-06-04

Respectfully submitted,



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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE										ATTY. DOCKET NO. S03-013/US		SERIAL NO. Not yet assigned	
<b>LIST OF DOCUMENTS CITED BY APPLICANT</b> (Use several sheets if necessary)										APPLICANT John L. Faul et al.			
										FILING DATE Filed Herewith		GROUP Not Yet Assigned	
<b>U.S. PATENT DOCUMENTS</b>													
EXAMINER INITIAL		DOCUMENT NUMBER						DATE	NAME		RELEVANT INFORMATION		
	A	5	6	6	2	7	1	1	9/2/1997	Douglas		623/12	
	B	6	3	1	5	7	5	2	11/13/2001	DiMatteo		604/8	
	C	6	5	8	5	7	6	0	7/1/2003	Fogarty		623/1.22	
	D	6	1	0	2	8	8	4	8/15/2000	Squitieri		604/8	
	E	4	0	8	0	9	5	8	3/28/1978	Bregman et al.		128/1 D	
	F	6	4	6	4	6	6	5	10/15/2002	Heuser		604/104	
	G	4	2	4	0	7	9	4	12/23/1980	Holman et al.		8/94.11	
<b>FOREIGN PATENT DOCUMENTS</b>													
		2- letter code	DOCUMENT NUMBER						DATE	COUNTRY		TRANSLATION	
												YES	NO
	H												
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>													
	I		"Aortocaval Fistulae: A Percutaneous Model and Treatment With Stent Grafts in Sheep". Frank Boudghene, MD. et al. July 1, 1996 American Heart Association, Inc. Vol. 94, No. 1, pgs.108-112.										
	J		"Increased Cardiac Output Increases Shunt: Role of Pulmonary Edema and Perfusion" P.H. Breen et al., Journal of Applied Physiology. 1985 Oct; 59 (4): pgs. 1313-1321										
	K		"Effects of Chronic Cardiomyoplasty on Ventricular Remodeling in a Goat Model of Chronic Cardiac Dilatation: Part 2" Hans G. Kaulbach, MD et al., Ann Thorac Surg. 2002; 74: pgs. 514-521										
	L		"Effect of Moderate Arterio-Venous Shunt on Regional Extraction, Blood Flow and Oxygen Consumption in the Dog Heart," Kay L. Briden et al., Cardiovascular Research, 1981, 15, pgs. 206-213										
	M		"Oxygen Saturation, Po2, Pco2, and pH in Tibial Bone Blood Distal to Femoral Arteriovenous Fistula in Puppies," Patrick J. Kelly, J. Lab& Clin. Med, March, 1969. Vol. 73. No. 3 pgs. 418-425										
	N		"Clinical Communications: Arteriovenous Fistula: Hemodynamic Effects of Occlusion and Exercise," Kenan Binak, MD et al., Am. Heart J., October, 1960. Vol. 60. No. 4 pgs. 495-502										
	O		"Hyperdynamic Circulation of Arteriovenous Fistula Preconditions the Heart and Limits Infarct Size," Mahmoud A. Mahgoub, MD et al. Ann Thorac Surg. 1999; 68: pgs. 22-28										
	P		"Effect of a Surgical Aortocaval Fistula on Monocrotaline-Induced Pulmonary Hypertension," Toshihiko Nishimura, MD. et al., Crit Care Med 2003 Vol. 31. No. 4 pgs. 1213-1218										
	Q		"The Effect Of Increased Pulmonary Blood Flow On The Development Of Pulmonary Hypertension And Pulmonary Vascular Remodelling In Rats," Nishimura T, et al., Am J Respir Crit Care Med 2000, 161(3):A143.										
<b>EXAMINER</b>									<b>DATE CONSIDERED</b>				
* <b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.													